

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

HARVEY CRUZ,

Plaintiff,

vs.

CIVIL NO. 98-2132 (DRD)

DEPARTMENT OF TREASURY, et al.

Defendants.

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ORDER

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

The motion before the Court is a Motion To Dismiss For Lack Of Subject Matter Jurisdiction As To Federal Employee And Agencies (Docket No. 8) filed on July 27, 1999. On October 25, 1999, due to the lack of Plaintiff filing an opposition, the Court deemed the motion to dismiss as unopposed. It is abundantly clear the Federal Torts Claim Act ("FTCA") allows suit "in the same manner and to the same extent as a private individual under like circumstances," against the Government for tort claims. See 28 U.S.C. §§ 2674. Equally clear, "under the FTCA, only the United States, not its agencies and/or employees, may be sued *eo nomine*." Lora-Rivera v. Drug Enforcement Administration Department of Justice, 800 F.Supp. 1049, 1050 (D. P.R. 1992) (citing 28 U.S.C. § 2679(a)). Because Plaintiff alleges the FTCA and 28 U.S.C. § 1346(b) as the jurisdictional basis for his complaint, the motion to dismiss (Docket No. 8) is **GRANTED** and Co-defendants, Raúl Díaz, the U.S. Customs Service, and the Department of Treasury are hereby **DISMISSED**.  
**IT IS SO ORDERED.**

Date: November 2, 1999



DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE

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